

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00434

Donald Ray Johnson, Jr.,
Plaintiff,

v.

Juan Garcia et al.,
Defendants.

ORDER

Plaintiff Donald Ray Johnson, Jr., an inmate of the Texas Department of Criminal Justice proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. Doc. 1. The case was referred to United States Magistrate Judge John D. Love. Doc. 4.


After defendants Juan Garcia and John R. Delapp were dismissed (Doc. 29), the remaining defendants filed a motion for summary judgment based upon exhaustion of administrative remedies. Doc. 30. The magistrate judge issued a report recommending that the motion for summary judgment be denied. Doc. 34. No objections were filed to the report.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendants' motion for summary judgment based on exhaustion of administrative remedies (Doc. 30) is denied.

In accordance with the scheduling order previously entered in this case (Doc. 14), defendants shall have 30 days from the date of entry of this order in which to file any motion for summary judgment on issues other than exhaustion that they may wish to present. Should disputed issues of fact exist, the parties shall file an

advisory to the court regarding reasons why summary judgment is inappropriate in the case or as to any particular claim. Plaintiff shall have 30 days in which to respond to any motion for summary judgment that defendants may file.

So ordered by the court on March 6, 2024.



J. CAMPBELL BARKER
United States District Judge